

REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated August 2, 2007.

Applicant's attorneys appreciate the Examiner's continued thorough search and examination of the present patent application.

Claims 1-28 are pending in this application. Claims 17-28 have been withdrawn from consideration. Claims 1-12 have been rejected. Claims 13-16 have been objected to, but would be allowable if rewritten in independent form.

Claims 1-2, 8 and 10 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,726,677 to Flaherty ("Flaherty"). Reconsideration and withdrawal of this rejection are respectfully requested.

Claims 3-5 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Flaherty in view of U.S. Patent No. 6,605,033 to Matsuno et al. ("Matsuno"). Reconsideration and withdrawal of this rejection are respectfully requested.

Claims 6, 7, 9 and 11 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Flaherty in view of Matsuno and in further view of U.S. Patent Application Publication No. 2003/0216616 to Krupa ("Krupa"). Reconsideration and withdrawal of this rejection are respectfully requested.

Claim 12 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Flaherty in view of U.S. Patent Application Publication No. 2002/0032365 to Hasegawa ("Hasegawa"). Reconsideration and withdrawal of this rejection are respectfully requested.

Claim 1 is directed to an endoscope system having an elongated insertion unit and a guide member. Examples of the insertion unit are identified by numeral 2a and of the guide member by numeral 10 (see Figure 1). The guide member is formed to allow the insertion unit to be inserted. Claim 1 recites the guide member as being formed of a plurality of tubular members having varying outer diameters, in which tubular members having smaller outer diameter are permitted passage through a larger diameter guide channel of other tubular members. An example of a guide member formed as described above is illustrated in Figure 3 of the application. Moreover, claim 1 recites "at least one tubular member ... having ... a direction changing unit operative to change an advancing direction in which the insertion unit is advanced." At page 8, lines 10-19 the specification describes the formation of the guide member as follows:

The insertion unit guide member 10 comprises: a plurality of tubular members 8a, 8b, and 8c each of which has a guide channel that guides the insertion unit to near a target region to be observed and whose degrees of flexibility, diameters, and lengths are different from one another; and distal cover members 9a, 9b, and 9c which serve as direction changing means, which are attached to the distal ends of the tubular members 8a, 8b, and 8c respectively, and whose openings are used to change the inserting direction of the insertion unit.

Insertion of the insertion unit guide member and its formation are described on pages 13-15 of the specification.

Flaherty is directed to a tissue-penetrating catheter. When the catheter is inserted into a blood vessel, as illustrated in Figures 15A and 15B, it changes direction, i.e., curves and moves through turns, by being pushed against the walls of the blood vessel. There is no discussion in Flaherty of forming a guide member inside the vein before inserting the insertion unit. The Examiner references catheter 80 and sheath 86 of Figure 3 and col. 8, lines 41-50 of Flaherty as teaching the guide member that is “formed from a plurality of tubular members” as recited in claim 1. In other words, the Examiner equates the catheter 80 with the guide member of claim 1.

Flaherty, at col. 8, lines 42-48 describes Figure 3 as follows:

The catheter 80 is adapted to advance over a guidewire 81 through a blood vessel 82 and transversely deploy a tissue penetrating element, such as a probe 84 within a sheath 86. Again, the tissue penetrating element is designed to pass through the wall of the blood vessel 82, through any intervening tissue, and into an adjacent body cavity.

This describes a probe 84 within a sheath 86 being passed through an opening in the catheter 80. Because in this description Flaherty clearly associates the sheath 86 with the probe 84 and not as an extending part of the catheter 80, Flaherty does not teach, describe, or suggest “a guide member “including a plurality of tubular members having varying outer diameters” or “a direction changing unit operative to change an advancing direction in which the insertion unit is advanced through the guide channel” of claim 1.

Moreover, by stating that the probe 84 and therefore a sheath 86 are designed to pass through the wall of the blood vessel 82, Flaherty teaches away from “a direction changing unit operative to change an advancing direction in which the insertion unit is advanced through the guide channel” as recited in claim 1.

Thus, Flaherty does not anticipate claim 1.

Matsuno and Krupa were not used by the Examiner to reject claim 1.

Claims 2-16 depend directly or indirectly from above discussed independent claim 1 and are, therefore, allowable for the same reasons, as well as because of the combination of features in those claims with the features set forth in the respective independent claims.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

Respectfully submitted,

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